



NEIL F. HARTIGAN
ATTORNEY GENERAL
STATE OF ILLINOIS

(312) 793-7086

September 9, 1983

EPA Region 5 Records Ctr.



351335

HAND DELIVERY

Mr. Karl Klepitsch, Jr.
Chief, Waste Management Branch
United States Environmental Protection
Agency
230 South Dearborn Street
Chicago, IL 60604

Re: People v. Film Recovery Systems, et al., 83 CH 3812

Dear Mr. Klepitsch:

As I'm sure you are aware, our office is currently involved in trying to determine an environmentally safe and expedient method for disposal of the cyanide tainted film chips that are the subject of the above referenced action. In order to assist us in this determination, I am hereby requesting that the Incinerator Research Branch of USEPA in Cincinnati headed by Mr. Tim Oppelt perform a test burn in their laboratory with the following objectives:

1. To establish the lowest combustion temperature for the destruction of cyanide compounds.
2. To determine the minimum residence time required for the destruction of cyanide compounds.
3. To determine the optimum amount of excess air required for the maximum degree of cyanide destruction.

The results of such a test will most assuredly provide information that will be beneficial in future situations involving

Mr. Karl Klepitsch, Jr.
Page 2
September 9, 1983

cyanide bearing waste incineration.

I would greatly appreciate it if the test could be performed as soon as possible. Our office will do whatever is necessary to provide the requisite samples for the test.

I appreciate your prompt attention to this matter. If you have any questions do not hesitate to contact me.

Very truly yours,

Russel R. Eggert (JD)

RUSSELL R. EGGERT
Acting Chief
Environmental Control Division
188 West Randolph Street, Suite 2315
Chicago, IL 60601 (312) 793-2491

RRE:bp

cc: Tim Oppelt
Dr. Y. J. Kim

People vs. Film Recovery Systems Corporation et. al.
83CH3812

- 5/23/83: Michael Mackay & B.R. Mackay & Sons file special appearance. FRS & MMS file motion to dismiss, Aldens files answer and counter claim. Red Devil previously filed answer; argument on MT dismiss O'Neil & MacKay; leave for State to file amended complaint.
- OE: Defendant Steve O'Neil dismissed from case. Defendant Michael MacKay & B.R. Mackay & Sons dismissed from case.
- 5/24/83 OE: Karon, Morrison & Sairkas with/draw as counsel for Gemini.
- 5/25/83 State files first amended complaint; Petro Chem Cleanup plan discussed; Trust funds dismissed Trailer companies to be dismissed upon completion of work? page 23
- OE: (agreed order) IEPA to supervise cleanup. Petro-Chem to do cleanup; 3 Trust funds established; IEPA to maintain security all sites. State files 1st amended complaint.
- 6/10/83 Morrison reenters appearance for defendant Gemini. Petrochem wants \$325,000. Discussion of terms of Petrochem performance; Security discussed; Trailer companies concerned about who pays for trailers during cleanup; Royce concerned about other actions pending
- OE: Defendant Michael T. MacKay & B.R. McKay & Sons motion to dismiss 1st amend. complaint taken under advisement; State of Illinois to ensure all sites secured; Established time for payment to trust fund by trucking company,
- 6/16/83 Court approves contract with PetroChem; Security discussed; where to do cleanup in Cook County; Recyclability proposal discussed; consolidation of sites discussed; Payments from Trust funds, ordered.
- 6/17/83 OE: Court approves contract between IEPA & Petro Chem; Royce as trustee to pay Petro Chem \$150,000; Trailer companies to pay \$70,000 into 2nd trust fund; State to provide security all sites.
- 6/20/83 Security; PIE included as defendant; Leave to file State's 2nd amended complaint; Recyclability discussed; State requests discovery of personal assets of O'Neil and Jacks; Consolidation of actions discussed; trailer company payment formula to Trust funds.
- OE: Defendant's given to 7/30/83 to plead to complaint

State given leave to file 2nd amended complaint;
O'Neil to reply to 2nd amend complaint within 14
days.

- 6/29/83 Dixon security dismissed; Petro Chem has problems with Dixon site; Petro Chem can't finish Cook County sites; Fencing for Cook County sites, Alternative disposals methods discussed. OE: No further payment to Petro Chem.
- 7/5/83: Fences discussed; Petro Chem estimates cost overruns \$120,000, Cook County 5000,000 Dixon; Green River treatment plant problems discussed; alternative methods of disposal discussed OE: Royce as Trustee to pay Petro Chem \$20,000; Royce to determine recyclability of chips from Epechem and Michigan Tech; certain trailer sites adequately fenced.
- 7/7/83 States moves to discover assets of FRS and MMS.
- 7/11/83 Petro Chems requirements of a new cleanup site discussed; argument on defendant O'Neil and Jacks MT dismiss O.E. O'Neil & Jacks dismissed from suit State's motion for discovery of assets of O'Neil and Jacks denied.
- 7/12/83 O.E. State's motion for discovery of assets of FRS & MMS allowed; PIE and Petro Chem to agree on insurance coverage for decontamination of PIE's property; Petro Chem to devise plan for unloading trailers.
- 7/20/83 Report of cleanup; Petro Chem requirements for new cleanup site; alternative site discussed recycling proposals; Security at Dixon; Aldens cleanup: Mora; trucking companies file answer and cross claim; OE: Defendant's given until 8/30/83 to plead to complaint.
- 7/22/83 OE: F.I.C. to seal Dixon warehouse; Royce to put all proposals for sale of chips in writing; IDLE to reinspect trailers re: security; American Interstate allowed to remove empty and derelict trailers from Aldens.
- 7/25/83 SA of Lee County present; Aldens agrees to use of its facilities for cleanup; how to transfer trailers to Aldens discussed; Security at Dixon discussed re: entry to warehouse; States motion to sever and transfer venue continued Royce say FRS & MMS will comply with courts order to deliver Financial records of MMS & FRS.
- 7/26/83 OE: Defendant's to file response to States motion to transfer venue by 7/29/83. B.R. McKay and Michael T. MacKay dismissed from second amended complaint with no reason to delay enforcement of order.
- 7/28/83 Possibility of obtaining IDOT site for cleanups; Discussion of details of consolidation cleanup at Aldens.

7/29/83 OE: Removal of trailers to Aldens prohibited unless they are deemed roadworthy by State Police; P.I.E. to provide two tractors and two drivers to move 37 trailers to Aldens.

8/1/83¹. OE: States motion to sever and transfer venue denied; J. Fiorito Leasing and Gemini given 30 days to pay their share of trust fund 2. State's Motion for Rule on Eagle withdrawn.

8/2/83 MSD says Petro Chem discharge over total cynide limit; Recylability discussed; State files motion for rule to show cause against Eagle, Gemini, Fiorito; argument on State's motion to sever and transfer venue/ motion denied.

8/4/83 OE: Trailer companies allowed to remove any trailer if complied and certified decontaminated by AGO .

8-10- *AMERICAN Koto Kemi; Cost overruns*

8/11/83 OE: Morrison as trustee to pay Petro Chem \$13,500.86 from 2nd fund

8/22/83 OE: IEPA to reinspect all Cook County Trailer sites; J. Fiorito leasing to provide security guard at Rosement site.

8/31/83 IITRI report; Disposal possibilities discussed; Judge say bring the State's Attorney into this case re tickets pending.
OE: Bill Mac and Waldro given until 9/30/83 to plead to complaint.

9/1/83 OE: protective order issued for IITRI report; IEPA to certify contamination cause by leakage in Cook County Cleaned up; First Industrial to continue to provide security at Dixon for 3-4 more weeks.

9/12/83 State files petition for rule to show cause on FRS & MMS for failure to turn over financial data.

9/16/83 Petition for rule continued 9/26/83

9/26/83 OE: Judge finds FRS & MMS in contempt and finds each defendant \$1,000 per day

9/27/83 IEPA to contact contractor who supposedly sealed trailers and have contractor seal them this time. Argument on contempt of FRS & MMS

9/28/83 OE: Contempt order vacated; rule entered and continued until 10/5/83.

After *UPDATED CAPER*

5/25/83 OE: A.I.L. may commingle its chips without losing any common law lien.

10/5/83 MSD given leave to intervene; Royce conditionally denied leave to file 3rd party complaint Walco files answer to 2nd amended complaint. IEPA reports on reexamination of trailer. USEPA funding discussed, IEPA to determine if chips can go to landfill. Argument on rule to show cause. Royce asks for time to see document in possession of State's Attorney.

10/6/83 OE: IEPA to determine if alternate site exists for Aldens trailers, if "cleaned" chips may be placed in landfill. Royce to view documents held by SAO. IEPA to ensure adequate security maintained at dixon.

10/13/83 Hashmier skewered; contempt MMS & FRS continued 10/14/83.

10/14/83 FRS & MMS held in contempt. OE: State given leave to file 3rd amended complaint; Fiorito hearing & Gemini given until 10/31/83 to explain why the haven't paid into trust funds.

10/17/83 OE finding FRS & MMS in contempt; each ordered to pay \$1000 per day.

10/24/83 State give leave to file 4th amended complaint and motion to vacate order of 7/26/83; B-R MacKay given leave to file special appearance. These IE: 10/25/83.

10/31/83 Haschmeyer report on status of IEPA and relocation of Aldens Trailers; Attorney General's Office to check Department of Law Enforcement regarding security at Dixon:

OE: FRS & MMS given ten days to file answers.